



Eric Gonzalez
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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: **MARVIN LUIS**

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

BY PUBLISHED DECISION AND ORDER IN PEOPLE V. FERNANDO DURAN, 51 MISC. 3D 1220(A), 2016 NY SLIP. OP. 50723(U) (SUP. CT., KINGS CTY.), DATED 05/09/2016, JUSTICE RUTH SHILLINGFORD GRANTED DEFENDANT'S MOTION TO SUPPRESS EVIDENCE FOLLOWING A COMBINED INGLE/DUNAWAY/MAPP/HUNTLEY HEARING. MOS LUIS, SHIELD NUMBER 16926, TESTIFIED FOR THE PEOPLE REGARDING THE STOP OF A CAR IN WHICH DEFENDANT WAS RIDING. MOS LUIS TESTIFIED THAT, AS HE APPROACHED THE CAR, HE OBSERVED DEFENDANT IN THE PASSENGER SEAT, HOLDING IN HIS HAND A GLASSINE ENVELOPE CONTAINING HEROIN. USING A FOLDED BIT OF PAPER, MOS LUIS DEMONSTRATED IN COURT HOW HE HAD BEEN ABLE TO SEE THAT THE GLASSINE WAS STAMPED WITH A LABEL OR BRAND; HE COULD NOT RECALL WHAT THE LABEL OR STAMP WAS. JUSTICE SHILLINGFORD FOUND MOS LUIS'S TESTIMONY UNWORTHY OF BELIEF AND INCREDIBLE. THE COURT CITED WHAT IT CONSIDERED TO BE A NUMBER OF INCONSISTENCIES BETWEEN MOS LUIS'S TESTIMONY AND OTHER EVIDENCE IN THE CASE (INCLUDING CREDIBLE HEARING TESTIMONY FROM THE OTHER MOS AT THE SCENE) AND NOTED THAT MOS LUIS HAD RESPONDED ONLY THAT HE COULD NOT "EXACTLY RECALL" WHEN CONFRONTED AT THE HEARING WITH HIS OWN PRIOR INCONSISTENT STATEMENTS. THE COURT SPECIFICALLY DETAILED ITS CONCLUSION THAT IT WOULD HAVE BEEN IMPOSSIBLE FOR MOS LUIS TO HAVE SEEN THE LABEL AND THE STAMP ON A GLASSINE OF HEROIN UNDER THE CIRCUMSTANCES AND IN THE MANNER WHICH HE HAD RECOUNTED AT THE HEARING. THE COURT SUPPRESSED THE HEROIN RECOVERED FROM DEFENDANT AS THE PRODUCT OF AN UNLAWFUL SEARCH, AND SUPPRESSED ADDITIONAL EVIDENCE (A FIREARM AND INCUPLYATORY STATEMENT) AS FRUIT OF THE POISONOUS TREE.

THE CASE WAS DISMISSED ON 06/17/2016. A COPY OF THE JUDGE'S DECISION IS ATTACHED HERETO BELOW.

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 06/03/2014, AGAINST MOS LUIS:
ALLEGATION(S):

1. TRAFFIC VIOLATIONS BUREAU – COURT - NON-APPEARANCE
CASE STATUS: CLOSED ON 10/01/2015
ACTION TAKEN: LETTER OF INSTRUCTION

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 3:

CCRB CASE: 201504296

REPORT DATE: 05/28/2015

DATE OF INCIDENT: 05/20/2015

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED – FAILURE TO PREPARE MEMOBOOK ENTRY

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SEE ATTACHMENT BELOW.